IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THURSDAY, THE TWENTY NINTH DAY OF JANUARY,
TWO THOUSAND AND FOUR

:PRESENT:

THE HON'BLE MR JUSTICE : V.V.S. RAO

WRIT PETITION NO : 26822 of 2003

Between:

S. Trinath, S/o. Krishna Rao, R/o. Flat No. T1, Devi Towers,
Samba Murthy Road, Durgapuram, Vijayawada, Krishna District.

..... PETITIONER

AND

1 The Government of Andhra Pradesh, rep. by its Secretary, Industries & Commerce Department, Secretariat, Hyderabad.
2 The Director of Mines & Geology, Hyderabad, BRKR Bhavan, 8th Floor, Tank Bund Road, Hyderabad.
3 The District Collector, Krishna.
4 The Deputy Director of Mines & Geology, Kakinada, East Godavari District.
5 The Assistant Director of Mines & Geology, Vijayawada, Krishna District.
6 A. Srinivas Reddy, R/o. Pathapadu Village, Vijayawada Rural (M), Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or writ one in the nature of writ of Mandamus declaring the action of the 4th respondent Assistant Director of Mines and Geology in conducting the auction for filling earth from Eracheruvu & Pullaiah Cheruvu, situated at Sy. No. 285 of Nunna Village, Vijayawada Rural Mandal, Krishna District, confirming in favour of the 5th respondent inspite of the Stay Order granted by the Government in C.No. 1177/N/M(M&G)/2003, dt: 11-12-2003, as arbitrary, illegal, unjust without jurisdiction and contrary to Andhra Pradesh Minor Mineral Concession Rules, 1966 and consequently direct the 3rd and 4th respondents herein to consider and pass appropriate orders on the application made by the petitioner on 12-06-2003 to the 3rd respondent for grant of Temporary permits in favour of the petitioner for excavation / transportation of Filling Earth from Eracheruvu and Pullaiah Cheruvu, situated at Sy. No. 285 of Nunna Village, Vijayawada Rural Mandal, Krishna District, by the 4th respondent in terms of Rule-13 of Andhra Pradesh Minor Mineral Concession Rules, 1966, forthwith

The petition coming on for hearing, upon perusing the petition and the affidavit filed in support there of and upon hearing the arguments of Mrs. Shoba. N. Advocate for the Petitioner and of the Govt. Pleader for Mines and Geology, for the respondents 1 to 5.

The Court made the following

ORDER

" The Director, Mines & Geology, 2nd respondent, shall file counter affidavit by 4-2-2004 clarifying the position whether the Director has

received any orders of stay from the 1st respondent. If not, what is the basis for the office of the Director to issue telegram dt. 12-12-2003 to the Assistant Director, Mines & Geology, Vijayawada, as found at Page No. 47 of the file bearing No. 38083/R1-2/2003.

Post on 4-2-2004. ”

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1 The Secretary, Government of Andhra Pradesh, Industries & Commerce Department, Secretariat, Hyderabad.
2 The Director of Mines & Geology, Hyderabad, BRKR Bhavan, 8th Floor, Tank Bund Road, Hyderabad.
3 The District Collector, Krishna, Krishna District.
4 The Deputy Director of Mines & Geology, Kakinada, East Godavari District.
5 The Assistant Director of Mines & Geology, Vijayawada, Krishna District.
6 A. Srinivas Reddy, R/o. Pathapadu Village, Vijayawada Rural (M), Krishna District.
7. Two CCs to Govt. Pleader for Mines & Geology, High Court of A.P., Hyderabad. **(OUT)**
8. One spare copy.

USR.